

EXHIBIT 6

Advisory on Processing Times


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Advisory on Processing Times

USCIS has received a significant increase in the number of applications filed. In July and August, nearly 2.5 million applications and petitions of all types were received. This compares to 1.2 million applications and petitions received in the same time period last year. This fiscal year, we received 1.4 million applications for naturalization; nearly double the volume we received the year before. The agency is working to improve processes and focus increased resources, including hiring approximately 1,500 new employees, to address this workload.

As a result, average processing times for certain application types may grow longer. In particular, naturalization applications filed after June 1, 2007 may take approximately 16-18 months to process.

USCIS has several informational services to keep you apprised of the agency's progress. We encourage you to take advantage of information posted on our website and to create and monitor your profile in our Case Status Online system to properly track your case. You will find a link to Case Status Online in the Related Links section of this page.

We will continue to provide additional information on application processing times as it becomes available.

Related Links:

[Receipt Delay Frequently Asked Questions](#)
[Processing Times](#)
[Case Status Online](#)

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U.S. Department of Homeland Security

EXHIBIT 7

Office of the Chief Counsel

U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Suite 4025
Washington, DC 20529



**U.S. Citizenship and
Immigration Services**

April 25, 2008

Memorandum

TO: ALL CIVIL DIVISION CHIEFS
UNITED STATES ATTORNEY'S OFFICE

FROM: LYNDEN D. MELMED
Chief Counsel

SUBJECT: The USCIS-FBI Joint Plan for Eliminating Name Check Backlog

During the last several years, the amount of litigation against USCIS and the FBI has increased dramatically due to delays associated with completing name checks. Attached is the FBI-USCIS joint plan to eliminate the FBI name check backlog. The joint plan is the result of a cooperative effort by the executive leadership of both the FBI and USCIS. USCIS and OIL will soon provide a sample Motion for Summary Judgment which incorporates the information contained in the joint business plan to assist in your litigation efforts.

Under the joint plan, the FBI states that the USCIS name check backlog will be eliminated by June 2009, and the FBI will meet the USCIS target performance goal of processing 98% of all incoming name checks within 30 days and the balance within 90 days. The target for processing all USCIS name checks pending over one year is November 2008. USCIS has allocated substantial resources to enable the FBI to accomplish these goals, including more than \$34.5 million for additional personnel and improvements to information technology.

With the release of the joint plan, which provides publicly-available target processing times for the oldest pending FBI name checks, government counsel will be in a stronger position to argue that courts should not bypass this joint plan or the agency's expedite criteria for individual plaintiffs or discrete classes of plaintiffs. Rewarding individuals who sue the government diverts limited resources from the oldest FBI name check cases and could compromise the FBI's ability to reach its target processing times.

Federal Bureau of Investigation
Records Management Division

National Name Check Program
Business Plan
for
United States Citizenship and Immigration Services

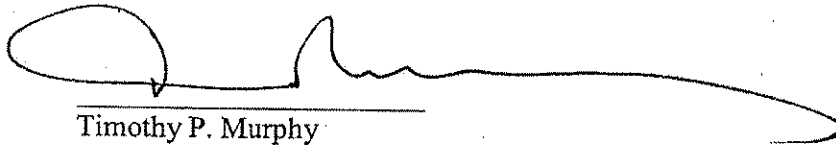
March 2008

EXECUTIVE SUMMARY

This National Name Check Program (NNCP) Business Plan applies to name check services between the Federal Bureau of Investigation (FBI) and the United States Citizenship and Immigration Services (USCIS) and outlines a strategy for eliminating USCIS name check requests pending over 30 days, in addition to obtaining a steady state processing rate whereby most all USCIS name checks are completed within 30 days. The strategy as outlined reaches these goals by June 2009.

Because the steps required to meet these goals require commitment from both the FBI and USCIS, the FBI's Records Management Division (RMD), NNCP, is seeking Executive Management concurrence with the plan from the FBI and USCIS.

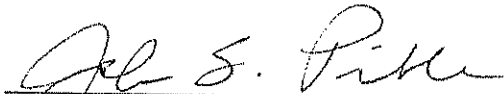
By signature, the undersigned convey that they have reviewed this Business Plan, are in agreement with this plan as a way forward to address the pending levels of USCIS name checks and are committed to provide the support as outlined herein to achieve the stated goals.



Timothy P. Murphy
Associate Deputy Director
Federal Bureau of Investigation



Jonathan R. Scharfen
Deputy Director
U.S. Citizenship and Immigration Services



John S. Pistole
Deputy Director
Federal Bureau of Investigation

USCIS Name Checks Pending with the FBI

The Federal Bureau of Investigation's (FBI's) National Name Check Program (NNCP) is part of the Records Management Division (RMD). With a customer base of over 75 agencies, the NNCP researches and disseminates, in accordance with applicable laws, orders, rules and policy, information contained in the FBI's files in response to name check requests. In Fiscal Year (FY) 2007, the NNCP received over four million name check requests and also processed over four million name check requests (this number includes the residual work from the previous fiscal years). NNCP's largest customer is USCIS. In FY 2007, incoming name check work attributed to USCIS was 52% of all name check requests received (over 2.1 million), and 50% of all name checks completed (over 2.0 million). At the end of FY 2007, the NNCP had over 402,000 pending USCIS name checks.

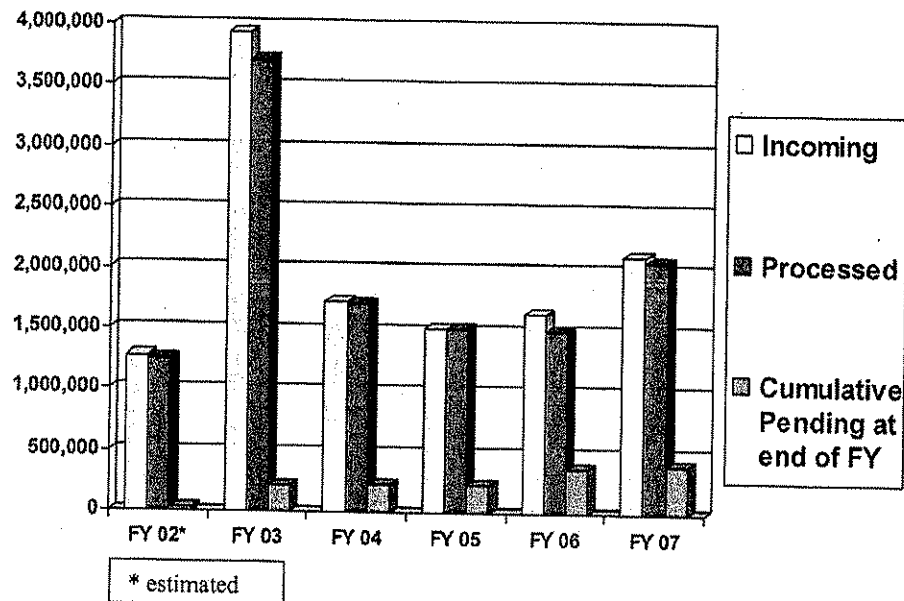
CURRENT CIRCUMSTANCES

USCIS Name Check Data / Statistics

For FY 2008, as of March 5, 2008, the FBI has received 792,397 USCIS name check requests; completed 849,580 USCIS name check requests and is processing 345,635 USCIS name check requests. As compared to the same time in FY 2007, this level represents a 9.5% increase in incoming USCIS name check requests; an increase in completed USCIS name checks requests of 23%; and a decrease of pending USCIS name check requests of 13.4%.

The NNCP has its genesis as a paper-based process and still must rely partially on manual processing of name check requests. In the last few months, NNCP has significantly increased its production capacity in the most time intensive manual phases of the name check process through the acquisition and training of contract staff. This trend will continue to be fueled by the procurement of additional contractors. Increased production capacity combined with process improvements will continue to reduce pending levels until target goals are achieved.

The Chart below indicates the trends for USCIS over the past six FYs.



The chart shows an overall yearly increase of incoming USCIS name checks per FY since 9/11 and highlights the USCIS rerun where USCIS resubmitted 2.7 million name check requests over a five-week period from December 2002 – January 2003.

Incoming Name Checks

The table below shows the level of incoming name checks received in FY 2005 – FY 2007 and the amount forecasted for FY 2008 and FY 2009. The forecasted volume determines the staffing level described in the business plan.

Fiscal Year	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
USCIS	1,514,076	1,633,349	2,113,672	1,899,990	1,558,012

Personnel

As of March 5, 2008, there are 251 employees and contractors working in support of processing USCIS name checks. This includes 40 FBI personnel in addition to 211 contractors jointly funded by the FBI and USCIS. Additionally, 10 more contractors are scheduled to come onboard by the end of March 2008, with 69 scheduled for June 2008 (of which 34 are supported by funding recently received by USCIS, with the remaining 35 to be funded under the execution of this Business Plan).

The time required to train a contractor to a full production level is approximately four months. Of the 211 contractors onboard as of March 5, 2008, 110 arrived onboard either during or before November 2007, and are working at full production. The remaining 101 contractors on board in February – March 2008 are not currently at full production capacity, and should reach full productivity by June – July 2008. The remaining 69 contractors scheduled for arrival in June 2008 should reach full productivity by October 2008.

Additionally, increased user fees have allowed the NNCP to increase the number of overall FBI staffing positions in FY 2008. Of the additional personnel the NNCP plans to hire, it is estimated that an increase of approximately 40 FBI personnel will be dedicated to processing USCIS name checks.

Lastly, the FBI is procuring additional contract expertise in the areas of Business Statistics/Risk Analysis, Financial Management, Information Technology (IT), and Production/Throughput. The addition of these skillsets will immediately, greatly enhance the FBI's ability to analyze data and reports. This will also allow the FBI to quickly develop and update business forecast models, assist in the planning and development of the financial aspect of the NNCP, allow greater concentration on business automation and execution of new IT systems, and enable intense focus on evaluating and implementing further ways to increase throughput. The FBI plans to use these business experts for one year with two option years. The long term goal is to hire or develop this expertise in-house so this contract support will no longer be required.

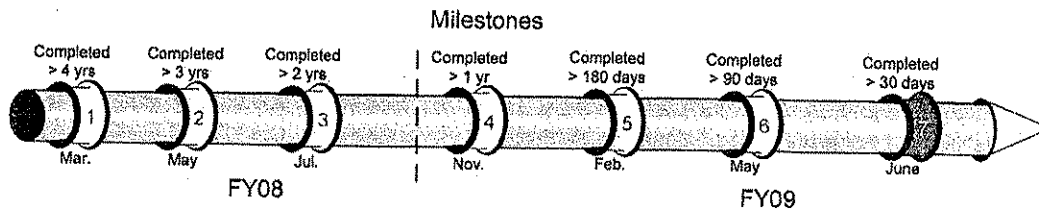
PROJECT GOALS

Development of Specialized Business Modeling Tools

In order to improve the NNCP's ability to forecast performance and timelines, the FBI funded the development of a business forecasting model, upon which the forecasts below are based. Because name checks vary in their complexity and time to process, forecasting production and estimating time to achieve goals can be a complex exercise. The procured model gives the FBI a solid, foundational baseline from which to make predictions. This model will not only increase the FBI's ability to more accurately forecast name check program performance, but also allows it to better define resource requirements and production rates required to meet any particular benchmark.

Model Predictions

The NNCP forecast establishes a number of milestones based on the age of the pending work. The FBI defines project milestones as follows based on additional staffing:



Final Goal: Maintain USCIS name check processing at 98% within 30 days or less and 100% of all USCIS name checks processed in 90 days or less.

The Model and projections are based on current USCIS operational priorities as recently conveyed to the FBI. The USCIS priorities that are assumed in the model are as follows:

- Because of the USCIS's priority to focus on Naturalization pending name checks that were submitted to the FBI prior to May 2006, projections are based on focusing 80% of the available FBI personnel/contractor resources (not including resources dedicated to processing expedites) processing these cases, which by the FBI's count is approximately 29,800 name checks.
- Once these pre-May 2006 Naturalization Name Checks are completed, the personnel resources allocated to that project will be redirected to focus on the oldest pending name checks regardless of the case type.

Review of Target Goals

Progress toward meeting the projected goals will be reviewed on a regular basis. As mentioned in the next section, first-line supervisors monitor metrics performance on a daily basis, with weekly reports to second-line supervisors, the Assistant Section Chief, and the Section Chief. Any operational adjustments required to meet projected goals will be conveyed to FBI and USCIS Executive Management. Monthly FBI and USCIS meetings will be held to review progress toward projected goals and any operational adjustments. Additionally, USCIS will be provided detailed reports on a biweekly basis summarizing Fiscal Year to date statistics regarding USCIS name checks.

STEPS TO ACHIEVE PROJECT GOALS

Improved Metrics Implementation

In order to maintain expected productivity and reach forecasted benchmarks, new employee performance-based metrics were developed to coincide with the production needed. The metrics were designed to be achievable while pushing employee performance with an incentive to perform at a higher level. Productivity rates to reach forecasted benchmarks according to the model average 0.77 name checks per hour per employee in the most difficult analytical phase of the name check process. The current contractual arrangements support this production rate with each contractor being required to process at a rate of 140 name checks per month. In addition to measuring average hourly production, metrics for oldest in queue, average processing time, and error rate will be examined. Constant review, feedback to the contractor or employee, and problem solving will be daily activities for first- and second-line supervisors.

Individual employees and supervisors are held accountable for performing in accordance with applicable metrics. First-line supervisors will monitor daily metrics to identify problem areas and provide employee/contractor feedback. Fluctuations in daily metrics may be substantial due to variances in the degree of difficulty in processing name checks. However, longer term 30-day averages will provide a reliable indication of an employee's production capability. First-line supervisors are held accountable for their individual team's performance, and will report weekly metrics to second-line supervisors at the Unit level who will review the report and make any additional inquiries or take corrective action as required to improve production.

Second-line supervisors at the Unit level are held accountable for Unit metric performance, and, after addressing any issues, will provide a weekly report to the NNCPS Assistant Section Chief, who is in charge of name check operations. The second-line supervisor's weekly report will provide production rates, relative change data, and supervisory comments. This information is important to demonstrate an employee's/contractor's improving or diminishing performance along with the first-line supervisor's insight. The NNCP Assistant Section Chief will review the reports with the second-line supervisors and provide direction as necessary to improve production.

The NNCP Assistant Section Chief is held accountable for NNCP Section metric performance regarding USCIS name check work, and will provide, at a minimum, a weekly report to the NNCP Section Chief containing a metric summary report, and a narrative analysis of the metrics, along with recommendations for improvement.

Priority Workflow Management

The NNCP implemented new work queue management procedures will allow greater monitoring of work allocation relative to resources. This permits the prioritization of selected target areas for resource allocation, ensuring that the oldest cases are worked

first by contract staff. These targets are designated as "buckets," a pool of pending name checks from which analysts are required to draw when being assigned name checks to process.

Since the implementation of the work queues in November 2007, the number of USCIS name checks pending over four years has dropped from approximately 12,000 to under 3,000. By utilizing these tools, analysts are assigned the oldest cases first, thereby ensuring that the oldest cases are eliminated first. Projected name check reduction progress is annotated in the charts located in the Appendices of this Business Plan.

File Review Workflow Modification

During FY 2008, NNCP has substantially changed the name check process. In FY 2007, incoming name checks progressed from the Batch phase where the names were electronically checked against the FBI's Universal Index, to the Name Search phase where the residual name checks were manually checked against electronically available information. From there, the names proceeded to the File Review phase, where paper records were located for a cursory manual review and scanning. In the final Dissemination phase, FBI files were analyzed with final results going back to the customer. Each phase could result in the elimination of pending name checks¹ with the results going back to the customer and the remaining name checks continuing to the next phase. For the 66% of the records accessed for name check purposes that are in electronic form, the File Review phase was simply a paper file chokepoint that increased queue times without adding value to the name check process.

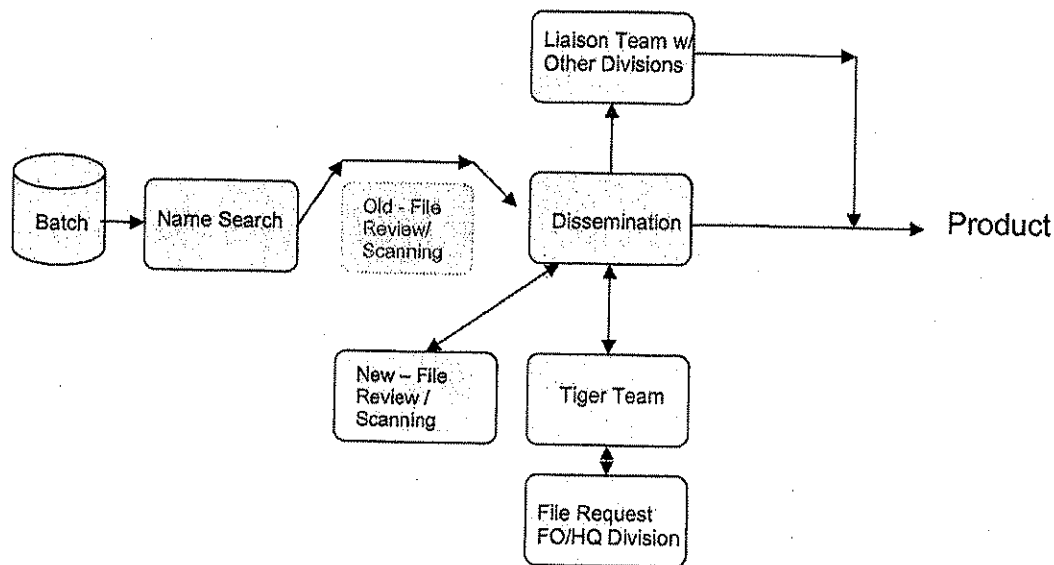
Starting mid-January 2008, NNCP modified the process to move name checks from the Name Search phase directly to the Dissemination phase and designated the Dissemination phase as the point where paper records are reviewed. Currently, analysts in Dissemination request File Review/Scanning services as required in order to process name checks needing information contained in paper files. This workflow modification allows review of exactly the same paper files as before the change while providing a moderate increase in productivity levels and reducing queue times.

Additional Name Check SubProcess Improvements

Name check analysts can categorize the name checks they process into two groups: those requiring external action, and those not requiring external action. Name checks requiring an external action – e.g., files from the field or liaison with other divisions – require more effort and, therefore, have a lower production rate. The FBI has established special teams

¹ All name checks are processed against the FBI's Universal Index to identify matches to possible information in FBI files. Most checks do not result in a match, so the name check is completed at that point. Each name check receiving a "hit" on one or more possible files is then refined and evaluated in a multistage process. Each stage may resolve all possible file matches for a given name check, so the name check request becomes complete at that stage.

to address these name check subprocesses, so analysts can concentrate their time on higher production rate work – those not requiring external action. External action falls into two main categories, those requiring retrieval of files from other divisions, and those requiring liaison with other divisions. Special teams for each subprocess will allow analysts to concentrate on work that is more productive.



New File Review Process and Special Teams Supporting Name Check Subprocesses

FBI IT Support

Because the FBI's primary name check data resides on the FBI's mainframe computer database, access to ad hoc reporting is limited and time consuming. To assist in the reaching of project goals, the FBI IT Operations Division (ITOD) will work to identify an alternative methodology resulting in greater access to the data allowing for the expedited running of reports and results required for projected name check filter analysis. Name check representatives will work with ITOD staff in providing specific IT reporting requirements needed.

LABOR CAPACITY BOUNDARIES

The program enhancements and initiatives outlined in this business plan will quickly and substantially improve NNCP production capacity and efficiency. However, there are practical labor capacity boundaries that must be considered when increasing production capacity.

Ramp-up Time

The time to complete financial transfers, process contracting actions, hire cleared contract staff, and put workers through the four-month training program are the primary issues impacting ramp-up time for contractor staff. As delineated in this business plan, the last group of contractors is estimated to arrive in June 2008. Given the necessary four-month training time, these resources will not reach full productivity until October 2008, approximately halfway through the project.

Technical Supervision of Contract Staff

The business plan is highly dependent upon contract staff. However, these new resources are not autonomous and require experienced FBI staff to train, evaluate, guide, and provide technical supervision and approvals. The plan establishes an FBI reviewer to contractor ratio of about 1 to 15. Several of the supervisory activities are inherently governmental, especially where the release of information to other agencies is concerned. Expanding the contract staff beyond the indicated levels, while possible, will place an additional burden on the already overleveraged FBI staff.

Infrastructure and Supporting Service Limitations

The FBI is using two RMD sites for this project: the Interim Central Records Complex and an FBI off-site location in Washington, DC. The spaces are being fully leveraged, with multiple shifts already initiated. The FBI must support the increased staffing levels with various support services, *i.e.*, computers, networks, supplies, security, scanning, file services, etc. RMD's ability to provide the supporting infrastructure and services will limit future contractor staffing increases.

Contractor Overtime Support

The FBI will also focus on utilizing contractor staff on an overtime basis. Out of the three contracting companies currently utilized under the blanket purchase agreement, only one company allows for contractor overtime. The FBI is currently negotiating with this company regarding overtime rates that will directly affect both the cost of contractor overtime and the overall reduction of pending USCIS name checks.

FINANCIAL REQUIREMENTS

To date, the combination of USCIS user fees, capital investment from USCIS, and capital investment from the FBI has funded over 250 contractors and will allow an increased level of FBI full-time employees supporting USCIS to over 80.

To accomplish the milestones outlined in this business plan, an additional capital investment of \$15 million is needed. Of this amount, \$2 million is required as soon as possible to partially fund an additional 35 contractors, and the remaining \$13 million is needed by July 1, 2008. The \$15 million will support the following initiatives:

Total Investment from USCIS	\$15,000,000.00
Contractor Establishment of Production Metrics	\$71,000.00
Contractor Production Throughput Experts – 1 Year	\$1,251,120.00
Additional 35 Contractors – 1 Year	\$4,095,000.00
Exercise Option Year 1 on Contract Effort 2 – 72 contractors for 1 Year	\$9,000,000.00
Additional Overtime*	\$582,880.00

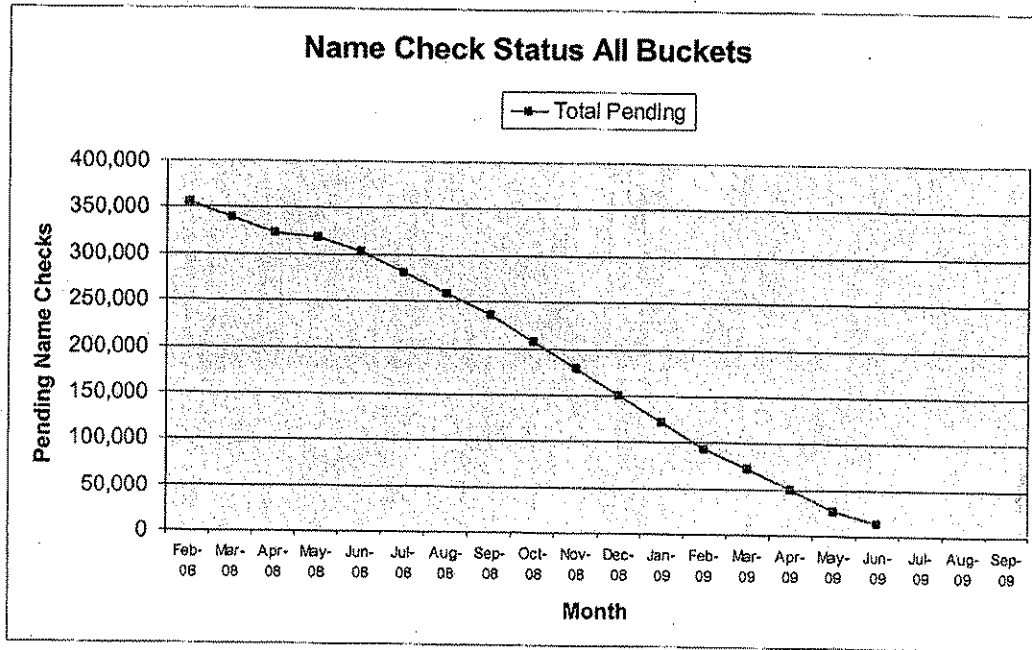
* The Additional Overtime is for use by Name Check employees in addition to contractor overtime.

Any delay or lack of funding as described above will significantly impact NNCP's ability to meet the end goal and will require a reassessment of projections. To that end, the FBI Finance Division, in concert with RMD, will need to work closely with the USCIS's Office of the Chief Financial Officer to insure that fees regarding the processing of USCIS name check requests are expeditiously billed and collected. The expeditious facilitation and handling of all capital investment from USCIS are also required to make funding readily available for expenditure as soon as possible for NNCP operational use.

APPENDICES

A. Name Check Projected Production Charts

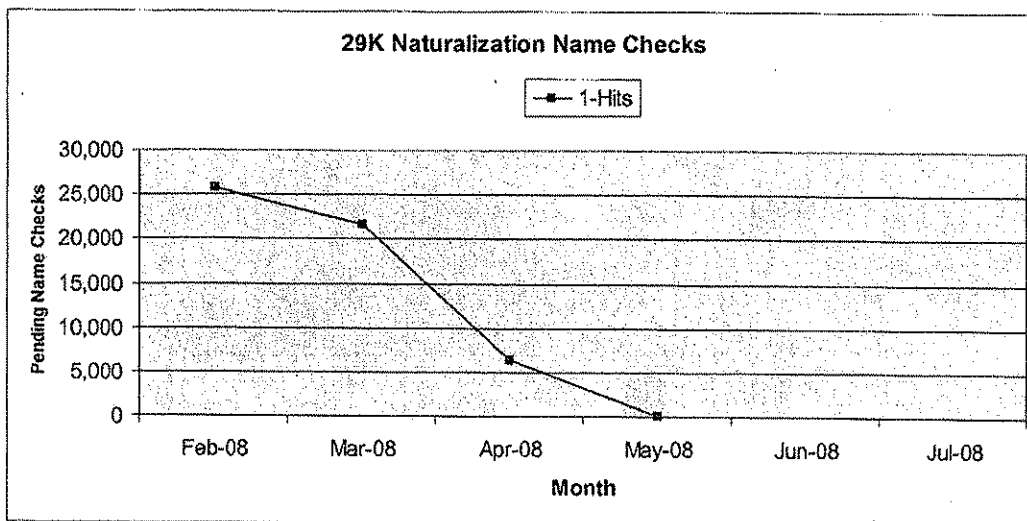
The following charts represent performance estimates and achievements of project milestones.



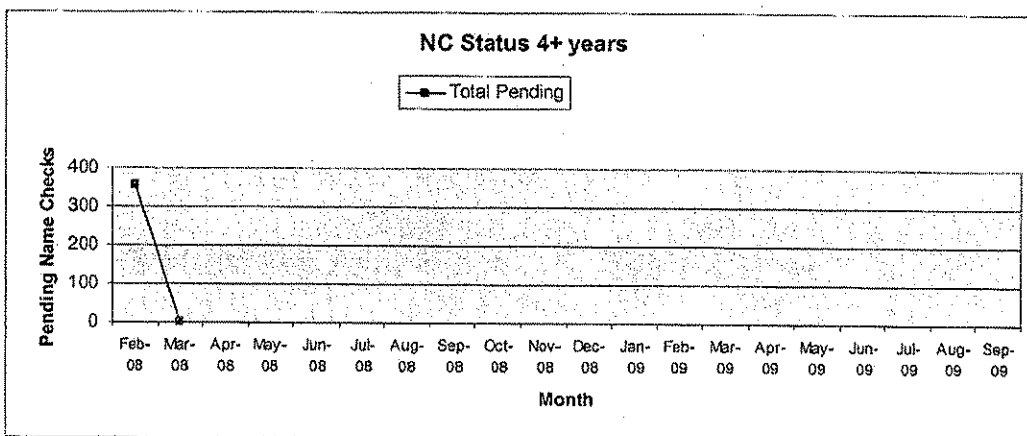
The charts show the total number of name checks pending for the parameters of each milestone. Estimates are predicated on current incoming volume projections, funding, and contractor arrival times. The project will continue until the final milestone is reached in **June of 2009**.

The term "bucket" is used to designate a restricted pool of pending USCIS name checks from which analysts must draw when obtaining new work, *e.g.*, name checks submitted in 2002 or 2003. This allows a focused management prioritization of work queues, insuring that the oldest name checks are worked first. An analyst can only move to another bucket containing newer name checks when all name checks in the older bucket to which the analyst is assigned are either completed or all assigned.

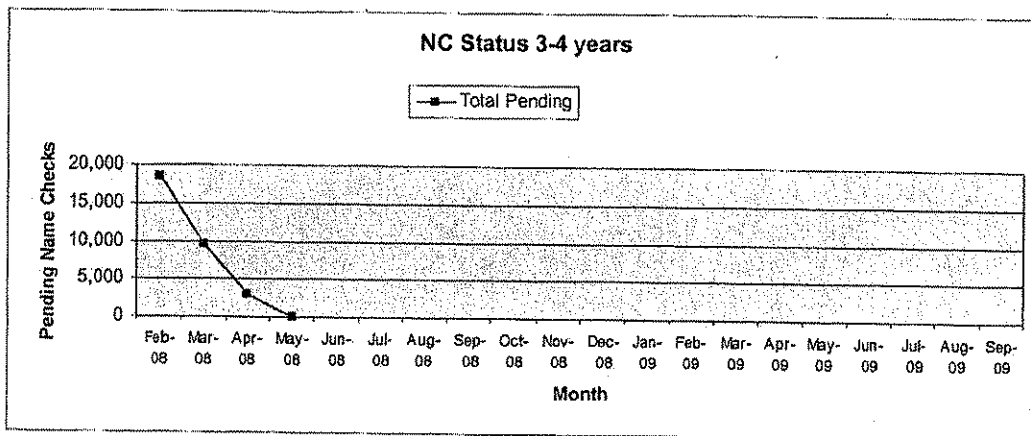
The only general exception to this rule is that expedites are worked as requested by USCIS, regardless of the age of the expedited name check request.



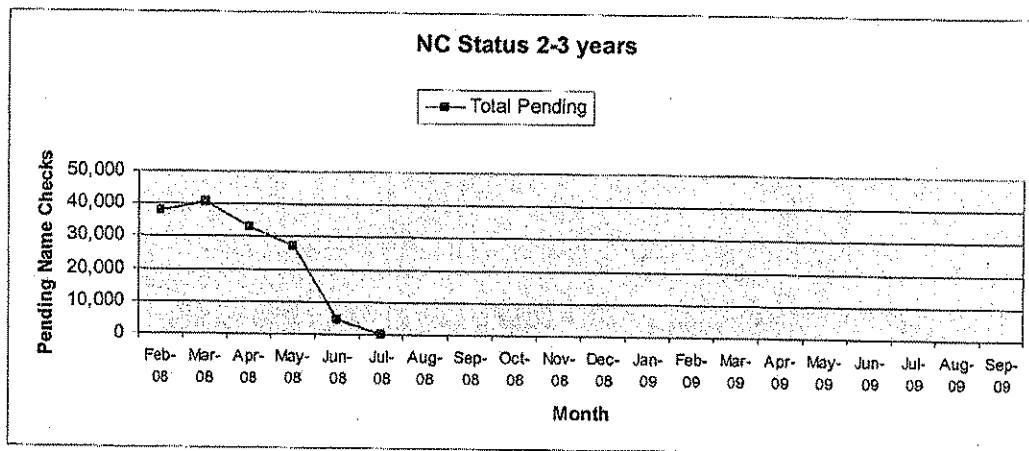
- Target for processing all the 29,800 naturalization name checks older than May 1, 2006 is May 2008.



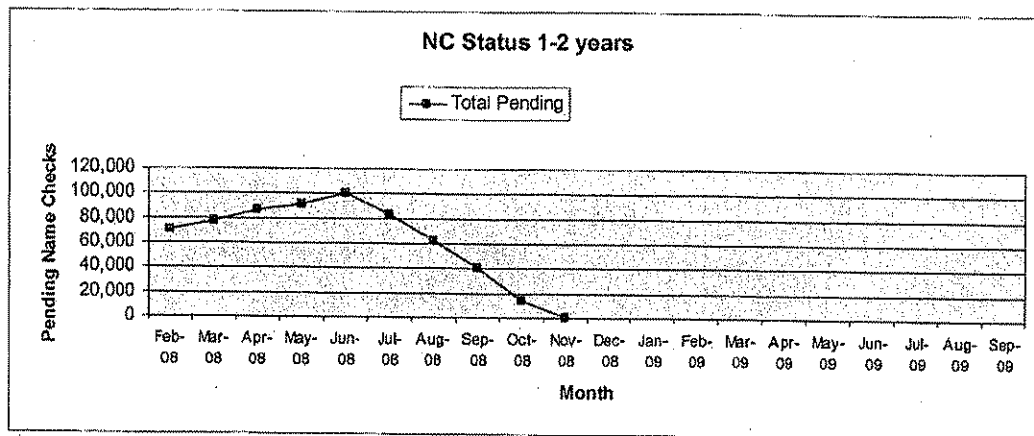
- Target for processing all USCIS name checks pending over four years is March 2008.



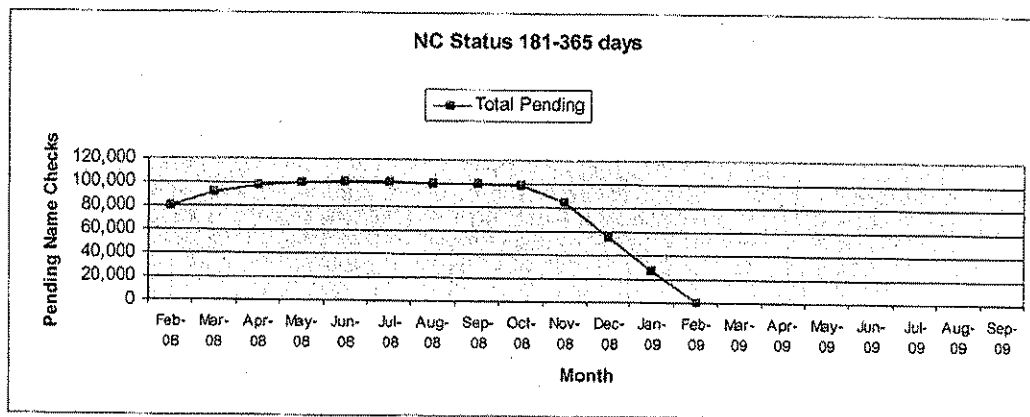
- Target for processing all USCIS name checks pending over three years is May 2008.



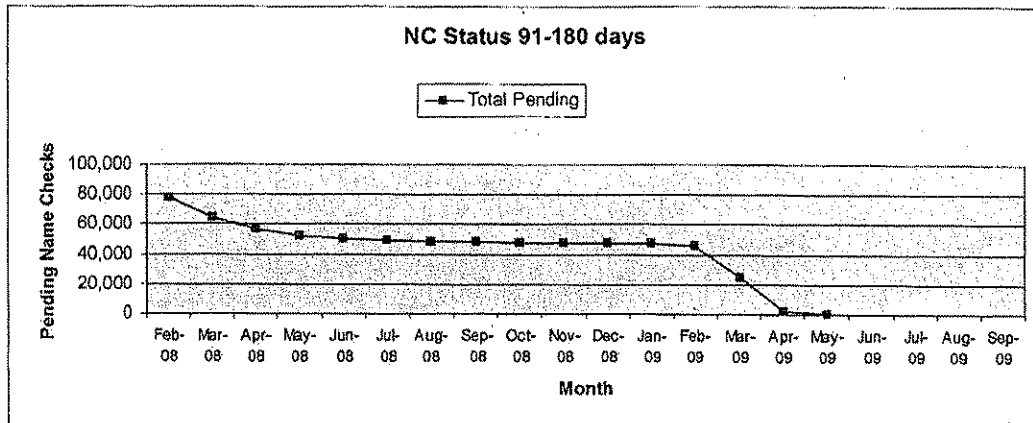
- Target for processing all USCIS name checks pending over two years is July 2008.



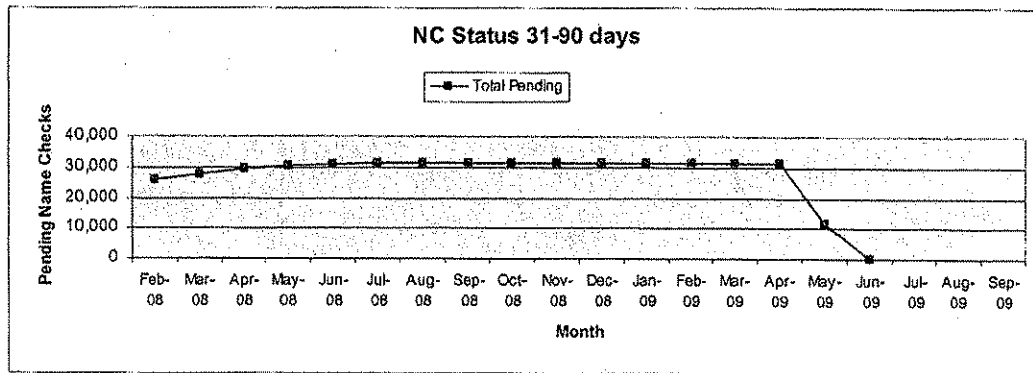
- Target for processing all USCIS name checks pending over one year is November 2008.



- Target for processing all name checks over 180 days is February 2009.



- Target for processing all name checks over 90 days is May 2009.



- Target for processing 98% of name checks over 30 days is June 2009.
- **From this point going forward, 98% of all USCIS name checks will be processed within 30 days. The remaining 2% represent the most difficult name checks and require additional time to adequately complete. Notwithstanding, this remaining 2% will be processed within 90 days or less of receipt.**

